

COPY

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

701-0004

STIPULATED AGREEMENT

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "COMMISSION", the Norfolk Southern Railway Company, hereinafter referred to as the "COMPANY", the City of Chicago, hereinafter referred to as the "CITY", and the State of Illinois, Department of Transportation, hereinafter referred to as the "DEPARTMENT".

WITNESSETH:

WHEREAS, it has come to the attention of the COMMISSION through written correspondence from the CITY that inquiry should be made into the matter of improving public safety at the highway underpass ("subway") structure carrying the Company's tracks over 69th Street at Keefe Avenue in the City of Chicago, Cook County, Illinois, designated as crossing AAR/DOT 522 960S, milepost 514.61 PF; and

WHEREAS, the physical aspects, train movements, vehicular traffic volume, and all other pertinent data relating to the subway structure have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the COMMISSION by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the COMMISSION enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law ("Fund") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvement in the interest of public safety at the aforesaid crossing should be:

- a) the lowering of the pavement under the subway structure at 69th Street at Keefe Avenue to increase the vertical clearance from the existing 12.9' to a minimum of 14.22' as indicated on Exhibit A.

DOCKETED

Section 3 The CITY has prepared a preliminary estimate of cost to accomplish the proposed improvement which it may be required to perform, said estimate is attached as Exhibit B, and shall upon order according to the requirements contained therein prepare detailed drawings, estimates of cost and any required specifications for the proposed improvement for the approval of the COMMISSION and DEPARTMENT.

Section 4 The CITY shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvement, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be at six (6) month intervals, and for the completion of the proposed improvements should be twenty-four (24) months, from the date of COMMISSION Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost for lowering the pavement under the structure at 69th Street at Keefe Avenue, estimated to be \$826,476, should be divided 60% in an amount not to exceed \$495,886, to the Grade Crossing Protection Fund with all remaining cost being borne by the City. (Note: the line item concerning the traffic signals at Martin Luther King Drive, Indiana Avenue and South Chicago Avenue in the lump sum amount of \$80,000, is not eligible for Fund reimbursement and has been removed from the estimate.)
- b) future maintenance costs of the structure and the pavement shall be divided in the same manner as for the existing subway structure and roadway.

Section 6 The CITY is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit C.

Section 7 Special Provisions. In view of the fact that federal funding may be utilized for the structure and roadway improvements, all such work shall be governed by applicable provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted December 9, 1991.

Since the roadway improvements will be performed by the CITY and/or its contractor, contractor insurance and railroad liability insurance will be required as specified in Illinois Department of Transportation "Standards and Specifications for Road and Bridge Construction" Section 107.

Since the structure will continue to have an under clearance of less than 14'6", the CITY shall install and maintain clearance signs at the structure in accordance with 92 IL.

Adm. Code 1535.606 of the COMMISSION.

All bills for expenditures authorized to be reimbursed from the Grade Crossing protection Fund shall be submitted to the District Office of the Illinois Department of Transportation, 201 West Center Street, Schaumburg, Illinois, 60196-1096. The Department shall submit copies of all bills received to the Director of Processing and information, Transportation Division of the COMMISSION. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the COMMISSION no later than thirty six (36) months from the date of COMMISSION Order subsequent to this agreement. The Department shall, at the end of the 36th month from the COMMISSION's Order date, de-obligate all residual funds accountable for this project.


The CITY shall within ninety (90) days of the date of COMMISSION's. Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Division of the COMMISSION, the name, title, mailing address, phone number and facsimile number of a project manager.

The CITY shall file a written report with the Director of Processing and Information, Transportation Division of the Commission, within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures and percentage of completion of the warning device and circuitry installations; if the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

Section 8 This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the COMMISSION shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

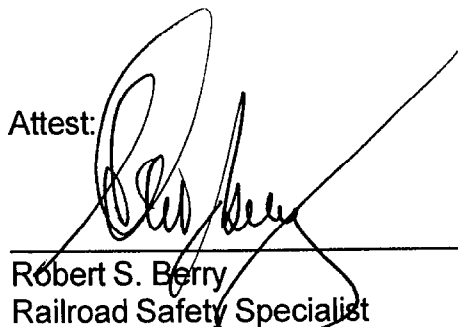
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the COMMISSION this 18th day of August, 2000.



Michael E. Stead
Rail Safety Program Administrator

Attest:




Robert S. Berry
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 949 concerning improvements at the highway overpass structure carrying the tracks of the Norfolk Southern Railway Company over 69th Street at Keefe Avenue, in the City of Chicago, Illinois, designated as crossing AAR/DOT 522 960S, milepost 514.61 PF.

Executed by the City this 12th day of September, 2000.

CITY OF CHICAGO

By:  ch

Attest:



Illinois Commerce Commission Stipulated Agreement No. 949 concerning improvements at the highway overpass structure carrying the tracks of the Norfolk Southern Railway Company over 69th Street at Keefe Avenue, in the City of Chicago, Illinois, designated as crossing AAR/DOT 522 960S, milepost 514.61 PF.

Executed by the Department this 28TH day of SEPTEMBER 2000.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James C. Shifan
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 949 concerning improvements at the highway overpass structure carrying the tracks of the Norfolk Southern Railway Company over 69th Street at Keefe Avenue, in the City of Chicago, Illinois, designated as crossing AAR/DOT 522 960S, milepost 514.61.
CD-

Executed by the Company this 2nd day of January 2001.

NORFOLK SOUTHERN RAILWAY
COMPANY

By:



D. A. BROWN

General Manager

RECEIVED
JAN 18 2001

Illinois Commerce Commission
RAIL SAFETY SECTION

Attest:



MARY ANN MULLADY
Assistant Corporate Secretary

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM
EXISTING
HIGHWAY UNDER RAILROAD

GENERAL INFORMATION:

RR/LINE Norfolk Southern MILEPOST 514.61 PF INVENTORY NO. 522 960S
CITY Chicago STREET 69th at Keefe COUNTY Cook
ROADWAY JURISDICTION City URBAN ☒ RURAL ☐ COMMERCIAL ☒ RESIDENTIAL ☒
APPROACH SURFACE Bituminous WIDTH 43' + 3' median CONDITION Fair
ADT 4,690 SPEED 30 mph STATEWIDE Yes
SCHOOL BUSES Yes HAZ MAT OTHER
NUMBER AND TYPE OF TRACKS 4 MAIN OTHER

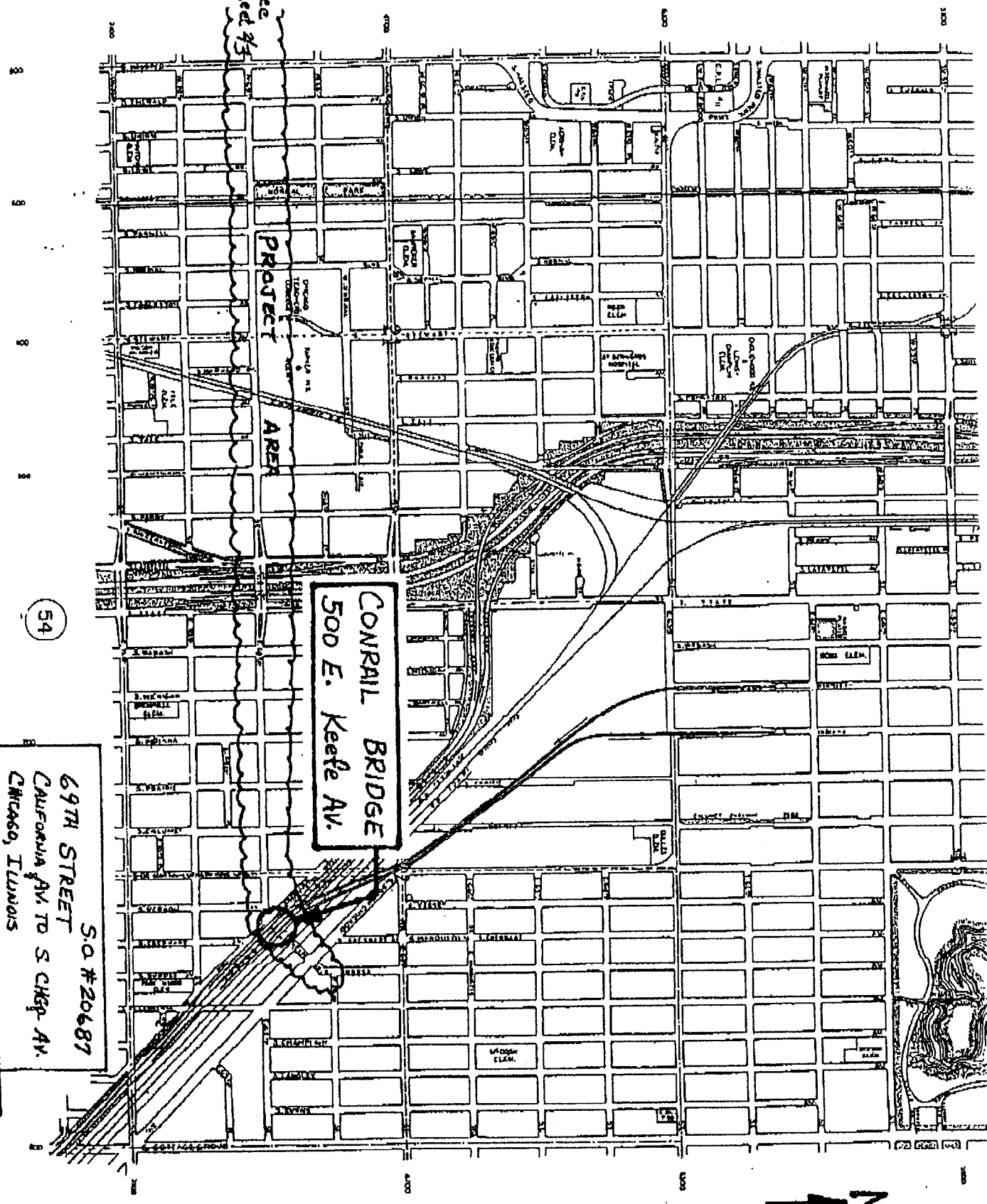
STRUCTURE INFORMATION:

STRUCTURE NO. B2021 ANGLE 90° CONDITION Good
PRESENT STRUCTURE TYPE Concrete
NUMBER AND LENGTHS OF SPANS
DECK WIDTH ROADWAY WIDTH See above
WALKWAYS WEARING SURFACE Bituminous Concrete
VERTICAL UNDERCLEARANCE 12.9'

COMMENTS: Pavement is to be lowered under the structure to increase the vertical clearance from the existing 12.9' new vertical clearance of 14.22'. There are 20 passenger trains and 80 freight trains over the structure per day at a maximum speed of 40 mph.

47

COX, CARL



54

S.O. #20687
69TH STREET
CALIFORNIA AV. TO S. CHICAGO AV.
CHICAGO, ILLINOIS
LOCATION MAP Sheet 3/3

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

PRELIMINARY HIGHWAY SUBWAY COST ESTIMATE

Date August 16, 2000

Agreement # 949

The cost to accomplish the highway subway improvements contemplated in Section 2 of this Agreement is estimated to be \$826,476

GENERAL ITEM COSTS

1	Earth Excavation	\$ 0.00
2	Trench Backfill	\$ 3,120
3	Topsoil 4"	\$ 580
4	Sodding, Salt Tolerant	\$ 725
5	Supplemental Watering	\$ 700
6	Sub-Base Granular Material, Type B 6"	\$ 35,040
7	High Early Strength Portland Cement Concrete Base Course 9"	\$ 182,208
8	Bituminous Materials (Prime Coat)	\$ 4,200
9	Aggregate (Prime Coat)	\$ 336
11	Bituminous Concrete Binder Course, Ty 2	\$ 14,924
12	Bituminous Concrete Surface Course, Mixture D, Class 1, type 2	\$ 15,498
13	Bituminous Butt Joint Ramps	\$ 4,260
14	Pavement Fabric	\$ 17,520
15	Protective Coat	\$ 641
16	Portland Cement Concrete Driveway and Alley Pavement, 8" (High Early Strength)	\$ 2,352
17	Portland Cement Concrete Sidewalk, 5"	\$ 38,360
18	Portland Cement Concrete Sidewalk, 5" Sp.	\$ 400
19	Portland Cement Concrete Sidewalk, 8" Sp.	\$ 7,070
20	Pavement Removal	\$ 63,072
21	Bituminous Concrete Surface Removal Var.	\$ 38,544
22	Driveway and Alley Pavement Removal	\$ 430
23	Combination Concrete Curb and Gutter Removal	\$ 4,800
24	Sidewalk Removal	\$ 9,590
25	Concrete Median Removal	\$ 2,100
26	Concrete Removal	\$ 9,800
27	Pipe Handrail (Special)	\$ 16,800

28	Class S Concrete		\$ 16,500
29	Storm Sewers, Type 2, 8", X-Strength		\$ 12,560
30	Storm Sewers, Type 1, 12", Ductile Iron Pipe		\$ 24,480
31	Storm Sewers, Type 2, 12" (RCCP)		\$ 12,025
32	Storm Sewer Removal 12"		\$ 3,600
33	Water Service Meter Vaults To Be Adjusted		\$ 1,000
34	Pipe Drains 6" (ESCP Drain Connection)		\$ 480
35	Pipe Underdrain (PESVCP) 6"		\$ 39,900
36	Manholes, Type A, 4' Dia. (Including Frame and Lid)		\$ 9,000
37	Catch Basins, Type A, 4' Dia. (Including Frame and Lid)		\$ 24,000
38	Manholes to be Adjusted		\$ 750
39	City Electric Manholes To Be Adjusted		\$ 600
40	Valve Vaults To Be Adjusted		\$ 3,750
41	Frames, Special		\$ 875
42	Lids, Special		\$ 750
43	Removing Manholes		\$ 450
44	Removing Catch Basins		\$ 1,500
45	Combination Concrete Curb and Gutter, Type B-V 12		\$ 8,960
46	Concrete Curb, Type B		\$ 720
47	Combination Concrete Curb and Gutter, Sp.		\$ 23,520
48	Concrete Median		\$ 7,875
49	Thermoplastic Pavement Marking-Letters And Symbols		\$ 200
50	Thermoplastic Pavement Marking-Line 4"		\$ 2,280
51	Thermoplastic Pavement Marking-Line 6"		\$ 1,754
52	Thermoplastic Pavement Marking-Line 24"		\$ 489
53	Pavement Marking Removals-Lines		\$ 1,000
54	Railroad Protective Liability Insurance		\$ 5,000
55	Sand Cushion, 3"		\$ 250
56	Stabilization Stone		\$ 1,500
57	Additional Masonry		\$ 3,000
58	Maintenance Of Access To Abutting Property		\$ 1,200
	Sub-Total		\$ 683,038
	10% Contingency		\$ 68,304
	Total		\$ 751,342
	10% Supervision		\$ 75,134
	Grand Total		\$ 826,476

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date September 15, 2000

Agreement # 949

The City Council
(Board or Council of Township, Village, City, County, etc.)

meeting on February 15, 2000 Resolved to authorize Judith C. Rice, Commissioner, CDOT
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and
that the City of Chicago is financially willing and able to
(Township, Village, City, County)

bear the cost for the proposed improvements as may be assigned to it according
to Section 5 of this Agreement.